



Proposed Revisions of the City's Noise Ordinance

Karl Rimkus, Environmental Services

Sonya Cahalan, Planning & Inspections

Richard Adams, Code Compliance



1. Strategic Goals

- Goal 1.6: **Provide business friendly permitting** and inspection process
- Goal 2.8: **Implement effective code enforcement strategies** to reduce nuisances, enhance visual appearance and improve overall health and safety



2. Current Noise Ordinance

- Chapter 9.40 of the El Paso City Code
- Regulates noise through a scientific and complex method of designating allowable noise levels for different zones in the City
- Although objective, not easy for the general public to understand
- Extensive training is required for code and police officers to correctly enforce



3. Recurring Issues

- With emphasis on infill, there is increasing proximity of commercial/retail establishments to residential dwellings, each with different allowable noise levels
- Existing bars and nightclubs may be in close proximity to residences, causing conflict between businesses and homeowners
- The current noise ordinance is largely incompatible with special districts and mixed use properties
- **Recurring noise problems are treated as nuisance violations, rather than addressing the underlying causes**



4. Proposed Revisions

- Repeal existing noise ordinance
- Replace with noise nuisance ordinance that is easier to understand, comply with, and enforce
- Require a permit for amplified sound outdoors at certain establishments



5. Noise Nuisance Ordinance

- Address common, everyday nuisance conditions based on the noise ordinances of Lubbock and Corpus Christi
- Describe the conditions in everyday language, to allow the public to easily comply, and officers to interpret consistently
- Noise regulated by applicable City permits will not be considered a nuisance



6. Noise Nuisance Ordinance

| Concept | Current | Proposed |
|---|---|--|
| Regulated noise | All noise | Only noise nuisances |
| Quieter time standards | 10:00 p.m. – 7:00 a.m. | 10:00 p.m. – 6:00 a.m. |
| Nuisance | Not defined | Specific activities defined |
| “Annoys a person of reasonable sensibilities” | Included in definition of “noise” | Used as standard to confirm defined nuisances |
| Decibel (dB) readings | Main method of confirming violations of ordinance | Allowable method of confirming a nuisance (more 3 exceedences within 10 minutes on complainant’s property) from 10:00 p.m. – 6:00 a.m. at a residential property |
| Noise Zones | Residential, commercial, and manufacturing/industrial | Residential and nonresidential |



7. Amplified Sound Permit

- Require a permit for establishments that amplify sound outdoors after 10:00 p.m., based on a similar permit in Austin
- Place requirements that minimize sound from leaving the property at levels specified in the permit
- Allow for public notification and comment in the permitting process, including ability to contest permit by neighboring residents and property owners



8. Permit Application

- Establishment owner applies for a permit at the One Stop Shop
- Permit application process includes:
 - Completion of application form
 - Notification of property owners and neighborhood associations within 300 ft. radius of outdoor area
 - Notification of residential owners within 100 ft. radius of outdoor area of ability to contest permit
 - Completion of a Sound Impact Plan



9. Sound Impact Plan

- Includes:
 - Site diagram, including location of outdoor area(s) where sound will be emitted and location of amplification equipment
 - Technical specifications of amplification equipment to be used
 - Description of any sound barriers or sound mitigation devices installed in outdoor area



10. Permit Application Review

- Planning & Inspection Dept. staff will review application for completeness and notification requirements
- Building Safety Enforcement staff will review Sound Impact plan and inspect establishment premises for accuracy and viability of plan
- If more than 25% of residential property owners within 100 ft. contest the permit, or if significant opposition to permit exists from other notified property owners, staff will administratively deny the permit; owner may appeal to City Building Official and then City Council



11. Permit Issuance

- Permit may be issued by One Stop Shop once all of the following conditions are met:
 - Application is complete
 - All applicable permit fees have been paid
 - Sound Impact Plan has been approved
 - Establishment has passed inspection of premises
 - Less than 25% of residential property owners within 100 ft. have contested permit
- Once issued, permit is valid for one year, unless establishment ownership changes; permit is non-transferable



12. Violations of Permit

- Violations of permit may include:
 - Playing amplified sound outdoors at an establishment after 10:00 p.m. without a permit
 - Noise in excess of allowed decibels at neighboring property line
 - Failure to adhere to Sound Impact Plan
 - Playing amplified sound outdoors after 2:00 a.m.
- Permit may be suspended or revoked if more than two complaints resulting in a documented violation occurred during the permit term



13. Permit Renewal

- Application for renewal for permit must occur before permit expires
- Permit may not be renewed if permit has been expired for more than 45 days; a new permit must be applied for, including property owner notification process
- Permit renewals will not require property owner notification, but will require inspection of premises to confirm Sound Impact plan complies with original permit application
- Permit may not be renewed if more than two documented violations of permit occurred during previous permit term



14. Benefits of Revision

- Nuisance conditions clearly defined
- Establishment owners have noise conditions more applicable to their venue
- Neighboring residents and property owners have input on permit issuance



Questions and Comments